

**REMARKS**

By this amendment, claims 272 and 283, various paragraphs of the specification, and Figures 4C, 4D, 5C, 5D, 12A, and 12B have been amended to correct certain informalities. Accordingly, claims 250-310 are currently pending in the application, of which claims 250, 264, 272, 284, 292, and 306 are independent claims.

Applicants respectfully submit that the above amendments do not add new matter to the application and are fully supported by the specification.

Support for the amendments to Figures 4C and 4D may be found at least in Figures 5C and 5D and at page 37, lines 6-7 and line 27 of the specification.

Support for the amendments to Figures 5C and 5D may be found at least in Figure 12A (as amended) and at page 49, line 1 – page 50, line 5 and page 52, lines 10-12 of the specification. Furthermore, a person of ordinary skill in the art who referred to Figures 5A, 5B, 5C, and 5D would understand that the terms “ASYNCHRONOUS MM” and “ASYNCHRONOUS CC” in elements 222 and 223 of Figures 5C and 5D are typographical errors.

Support for the amendments to Figures 12A and 12B may be found at least in Figure 12B, step S53, and at page 51, lines 6-9 and page 52, lines 5-17 of the specification.

In view of the above amendments and the following Remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

***Double Patenting Claim Rejections***

Claims 250-291 stand provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 250-291 of copending Application No. 10/824,927. Applicants respectfully traverse this rejection for at least the following reasons.

"In determining whether a statutory basis for a double patenting rejection exists, the question to be asked is: Is the same invention being claimed twice? 35 U.S.C. 101 prevents two patents from issuing on the same invention. "Same invention" means identical subject matter. *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1984); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957)." MPEP § 804.II.A.

Applicants respectfully submit that this double patenting rejection must be withdrawn because claims 250-291 of the present application and claims 250-291 of copending Application No. 10/824,927 do not claim the same invention. Specifically, independent claims 250, 264, and 284 provide a step where at the terminal, the operating type of the core network is recognized on the basis of the core network operating type information contained in the message to thereby allow the terminal to operate according to the recognized operating type of the core network, and independent claim 272 recites a detection block and a setting block contained in the terminal. The detection block is for recognizing the operating type of the core network on the basis of the core network operating type information contained in the received master information block, and the setting block is for setting an operating type of the terminal to one of the synchronous operating type and the asynchronous operating type on the basis of the recognized operating type of the core network.

Claims 250-291 of copending Application No. 10/824,927 do not teach at least such features. Accordingly, Applicants respectfully request withdrawal of the provisional 35 U.S.C. § 101 double patenting rejection of claims 250-291 over copending Application No. 10/824,927.

Claims 250-310 stand provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 250-307 of copending Application No. 10/824,928. Applicants respectfully traverse this rejection for at least the following reasons.

Applicants respectfully submit that this double patenting rejection must be withdrawn because claims 250-310 of the present application and claims 250-307 of copending Application No. 10/824,928 do not claim the same invention. Specifically, independent claims 250 and 306 recite that "wherein the radio network has an asynchronous operating type", and independent claims 264, 272, 284, and 292 recite a master information block including a core network operating type information representing an operating type of the core network *and* an information of the core network.

Claims 250-307 of copending Application No. 10/824,928 do not teach at least such features. This conclusion is also supported by the Office Action itself, which states that claims 250-310 of the present application "are not identical" to claims 250-313 of copending Application No. 10/824,928 (Office Action, paragraph 7, pages 3-4).

Accordingly, Applicants respectfully request withdrawal of the provisional 35 U.S.C. § 101 double patenting rejection of claims 250-310 over copending Application No. 10/824,928.

Claims 250, 264, 272, 284 and 292 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 6,782,274. Applicants respectfully traverse this rejection for at least the following reasons.

Applicants respectfully submit that the obviousness-type double patenting rejection over U.S. Patent No. 6,782,274 should be withdrawn. The present application's effective filing date is May 4, 2000, which antedates the filing date of U.S. Patent No. 6,782,274 (October 23, 2000). Additionally, the term of U.S. Patent No. 6,782,274 is extended or adjusted under 35 U.S.C. 154(b) by 519 days, while the term of U.S. Patent No. 6,741,868 (the parent patent of the present application) is extended or adjusted under 35 U.S.C. 154(b) by 0 days, and the terminal portion of any patent granted on this application subsequent to the expiration of U.S. Patent No. 6,741,868 has been waived and disclaimed per the Terminal Disclaimer filed August 10, 2005.

Accordingly, Applicants believe that the policy underlying the judicially created doctrine of obviousness-type double patenting (i.e. preventing prolongation of the patent term) is inapplicable here.

Assuming *arguendo* that U.S. Patent No. 6,782,274 may be appropriately relied upon for an obviousness-type double patenting rejection, for the reasons noted above, Applicants respectfully submit that such a rejection is improper in the absence of a two-way obviousness determination.

Finally, even when applying a one-way obviousness determination, Applicants respectfully submit that claims 250, 264, 272, 284 and 292 are patentable over claims 1-26 of U.S. Patent No. 6,782,274.

Specifically, independent claims 250, 264, and 284 provide a step where at the terminal, the operating type of the core network is recognized on the basis of the core network operating type information contained in the message to thereby allow the terminal to operate according to the recognized operating type of the core network, and independent claims 272 and 292 recite a detection block and a setting block contained in the terminal. The detection block is for recognizing the operating type of the core network on the basis of the core network operating type information contained in the received master information block, and the setting block is for setting an operating type of the terminal to one of the synchronous operating type and the asynchronous operating type on the basis of the recognized operating type of the core network.

Claims 1-26 of U.S. Patent No. 6,782,274 do not teach or suggest such features. Accordingly, Applicants respectfully request withdrawal of the double patenting rejection of claims 250, 264, 272, 284, and 292 over claims 1-26 of U.S. Patent No. 6,782,274.

Claims 250-310 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,950,419.

Applicants respectfully traverse this rejection for at least the following reasons.

Applicants respectfully submit that the obviousness-type double patenting rejection over U.S. Patent No. 6,950,419 should be withdrawn. The present application's effective filing date is May 4, 2000, which antedates the filing date of U.S. Patent No. 6,950,419 (October 30, 2000). Additionally, the term of U.S. Patent No. 6,950,419 is extended or adjusted under 35 U.S.C. 154(b) by 738 days, while the term of U.S. Patent No. 6,741,868 (the parent patent of the present application) is extended or adjusted under 35 U.S.C. 154(b) by 0 days, and the terminal portion of any patent granted on this application subsequent to the expiration of U.S. Patent No. 6,741,868 has been waived and disclaimed per the Terminal Disclaimer filed August 10, 2005. Accordingly, Applicants believe that the policy underlying the judicially created doctrine of obviousness-type double patenting (i.e. preventing prolongation of the patent term) is inapplicable here.

Assuming *arguendo* that U.S. Patent No. 6,950,419 may be appropriately relied upon for an obviousness-type double patenting rejection, for the reasons noted above, Applicants respectfully submit that such a rejection is improper in the absence of a two-way obviousness determination.

Accordingly, Applicants respectfully request withdrawal of the double patenting rejection of claims 250-310 over claims 1-22 of U.S. Patent No. 6,950,419.

Claims 250-310 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 250-313 of copending Application No. 10/824,928. Applicants have submitted a terminal disclaimer to overcome this

rejection. Accordingly, Applicants respectfully request withdrawal of this double patenting rejection of claims 250-310.

Claims 250-310 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 250-291 of copending Application No. 10/824,909. Applicants have submitted a terminal disclaimer to overcome this rejection. Accordingly, Applicants respectfully request withdrawal of this double patenting rejection of claims 250-310.

Claims 250-310 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 250-291 of copending Application No. 10/824,891. Applicants have submitted a terminal disclaimer to overcome this rejection. Accordingly, Applicants respectfully request withdrawal of this double patenting rejection of claims 250-310.

Applicants note that "[t]he filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection [because] the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection" (MPEP § 804.02.II, citations omitted). Hence, the terminal disclaimer included with this reply simply serves the statutory function of removing the double patenting rejection without raising a presumption or estoppel on the merits of the rejection.

***Other Matters***

In addition to the amendments mentioned above, claims 272 and 283, Figures 4C, 4D, 5C, 5D, 12A, and 12B, and various paragraphs of the specification have been amended solely for the purposes of informality correction, better wording and clarification. These amendments are not made for the purpose of avoiding prior art or narrowing the claimed invention, and no change in claim scope is intended. Therefore, Applicant does not intend to relinquish any subject matter by these amendments.

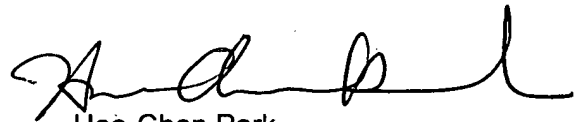
**CONCLUSION**

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Hae-Chan Park', written in a cursive style.

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**AMENDMENTS TO THE DRAWINGS**

Attached hereto are replacement figure sheets for Figures 4C, 4D, 5C, 5D, 12A, and 12B, which include the changes, without markings, identified below.

Figure 4C has been amended by changing reference numeral "230" to "240," and Figure 4D has been amended by changing reference numeral "240" to "230."

Figure 5C and Figure 5D have been amended by changing "ASYNCHRONOUS MM" and "ASYNCHRONOUS CC" to "SYNCHRONOUS MM" and "SYNCHRONOUS CC" for elements 223 and 222, respectively.

Figure 12A has been amended by changing "ASYNCHRONOUS" to "SYNCHRONOUS" in step S44, and "CHANNEL" in steps S46 and S47 has been changed to "INFORMATION." Figure 12B has been amended by changing reference character "S55," which denotes the SELECT CELL step, to "S52," and "NERWORK" has been changed to "NETWORK" in steps S56 and S61.